

EPHRAIM SAVITT

Attorney at Law

260 MADISON AVENUE
SUITE 2200
NEW YORK, NEW YORK 10016
WWW.SAVITTESQ.COM

(212) 679-4470
FAX: (212) 679-6770
EPHRAIM@SAVITTESQ.COM

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SUBMITTED BY ECF
AND FAX (718) 613-2386
Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Antoine Mayes
Docket No. 10 CR 473 (ARR)

Dear Judge Ross:

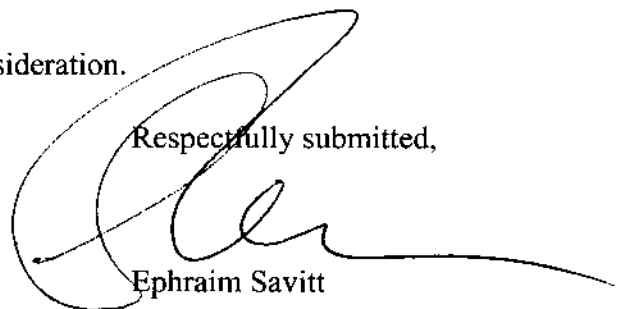
It appears that Ms. Kellman and Ms. Kunsler (hereinafter "the cookin' dynamic duo") have nailed it once again in their letter just submitted and whose reasoning and cited authorities I embrace.

There is another practical reason for the multiple conspiracies charge, which is evident even at this early juncture in the trial. The government seeks to use Antoine Mayes's guilty pleas to counts 3-9 as evidence of his participation in the charged conspiracy. Antoine's guilty plea, however, cannot be used as evidence of the co-defendants' involvement in the charged conspiracy. Given that legally-mandated reality, it is entirely possible that the jury will decide that Antoine's admitted 7-day sales makes him guilty of a conspiracy, but not necessarily the charged conspiracy with his co-defendants. Conversely, to the same effect, the jury may decide, based on this evidence and the limited purpose for its introduction, that each of the co-defendants was involved in one or more conspiracies other than that charging them with Antoine.

For that reason alone, the jury must be given the option of choosing whether each of the defendants conspired with his co-defendant(s) as charged, or whether each participated in an uncharged conspiracy. The multiple conspiracies instruction gives the jury the option to choose based on the evidence at trial, as well as the limitation for which Antoine's guilty plea can be used in order to protect the trial rights of his co-defendants.

I thank Your Honor for Your courtesy and consideration.

Respectfully submitted,



Ephraim Savitt

Cc: All counsel (by ECF)
Antoine Mayes (Hand delivery)